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 8 Lucent Technologies, Inc.

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 10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

13 DEPARTMENT OF FAIR EMPLOYMENT
 14 AND HOUSING, an agency of the State of
 15 California,

16 Plaintiff, and
 17 STEVEN J. CARAUDDO

18 Plaintiff-Intervenor
 19 v.
 20 LUCENT TECHNOLOGIES INC., and;
 21 DOES 1 through 20,
 22 Defendants.

CASE NO.: 3:07-cv-03747-PJH

**DEFENDANT LUCENT
TECHNOLOGIES' NOTICE OF
MOTION AND PARTIAL MOTION TO
DISMISS FOR FAILURE TO STATE A
CLAIM IN WHICH RELIEF CAN BE
GRANTED**

[FRCP 12(b) (6)]

Hearing Date: April 16, 2008
 Time: 9:00 a.m.
 Courtroom: 3, 17th Floor

Judge Phyllis J. Hamilton

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 24 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

25 Please take notice that on April 16 at 9:00 a.m. or as soon thereafter as the matter may be
 26 heard in Judge Phyllis J. Hamilton's courtroom, Courtroom 3 located on the 17th Floor at
 27 Courtroom 3, Defendant LUCENT TECHNOLOGIES, INC., a Delaware corporation
 28 (hereinafter "LUCENT") will move, pursuant to Federal Rule of Civil Procedure 12(b)(6), for an

1 order dismissing with prejudice the Fourth Cause of Action for Wrongful Termination in
2 Violation of Public Policy asserted in Plaintiff's Complaint in Intervention. This motion is based
3 on this notice of motion and memorandum of points and authorities, upon the papers, records and
4 pleadings on file herein, and upon any oral argument at the hearing on the motion.

5 DATED: March 11, 2008

EPSTEIN BECKER & GREEN, P.C.

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By: /s/ Leslie J. Mann
Leslie J. Mann
Rachel S. Hulst
Attorneys for Defendant
Lucent Technologies Inc.

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